

DOCKET NO: 328255US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF : EXAMINER: PAK, MICHAEL D.
RAINER WALDMANN, ET AL. :
SERIAL NO: 09/129,758 : ATTN: MAIL STOP PETITIONS
FILED: SEPTEMBER 15, 2010 :
FOR: MAMMAL NEURONAL ACID : GROUP ART UNIT: 1646
SENSING CATIONIC CHANNEL,
CLONING AND APPLICATIONS
THEREOF

PETITION UNDER 37 C.F.R. § 1.181(a)(3)
TO WITHDRAW NOTICE OF ABANDONMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

The undersigned Petitioners hereby petition the Director under 37 C.F.R. § 1.181(a)(3) to invoke supervisory authority and respectfully request that the Examiner be directed to withdraw the notice of abandonment mailed on August 23, 2011.

STATEMENT OF FACTS

04/09/10 A Petition to Revive under 37 C.F.R. § 1.137(b) was filed along with the requisite fee.

07/07/10 An Oath/Declaration and Power of Attorney document was filed with a Request for Status under 37 C.F.R. § 1.42.

07/15/10 A Decision was mailed granting the Petition to Revive but dismissing the Request for Status.

09/15/10 A Supplemental Oath/Declaration and Power of Attorney document was
timely filed with a Renewed Request for Status under 37 C.F.R. § 1.42.

04/20/11 A Decision was mailed dismissing the Renewed Request for Status.

05/20/11 A Renewed Petition for Status under 37 C.F.R. § 1.42 was timely filed.

07/29/11 A Decision was mailed granting the Renewed Petition for Status.

08/23/11 A Notice of Abandonment was mailed.

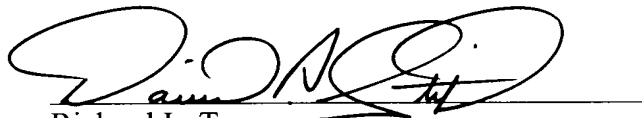
REMARKS

The Notice of Abandonment dated August 23, 2011 states that the above-identified application went abandoned “per the Decision dated July 15, 2010.” As evidenced by the attached documents referenced hereinabove, which were obtained from the Patent Application Information Retrieval (PAIR) system, although the Decision dated July 15, 2010 **granted** the Petition to Revive but dismissed the Request for Status, the Decision dated July 29, 2011 subsequently **granted** the Request for Status. As a result, the Notice of Abandonment dated August 23, 2011 was clearly mailed in error.

Consequently, it is respectfully requested that this petition be GRANTED and notification to this effect is earnestly solicited.

Respectfully submitted,

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MAIER & NEUSTADT, L.L.P.



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Registration No. 44,360

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|------------|----------------------------------------------------------------------------------|--------------|----------------------|
| 09/129,758 | MAMMAL NEURONAL ACID SENSING CATIONIC CHANNEL, CLONING AND APPLICATIONS THEREOF. | 328255US0PCT | 10-21-2011::14:28:25 |
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Bibliographic Data

| | | | |
|-------------------------|---------------------------------------|----------------------------|-------------------------------------------------------|
| Application Number: | 09/129,758 | Customer Number: | 22850 |
| Filing or 371 (c) Date: | - | Status: | Abandoned -- Incomplete Application (Pre-examination) |
| Application Type: | Utility | Status Date: | 08-22-2011 |
| Examiner Name: | <u>PAK, MICHAEL D</u> | Location: | ELECTRONIC |
| Group Art Unit: | 1646 | Location Date: | - |
| Confirmation Number: | 5113 | Earliest Publication No: | - |
| Attorney Docket Number: | 328255US0PCT | Earliest Publication Date: | - |
| Class / Subclass: | 435/007.200 | Patent Number: | - |
| First Named Inventor: | RAINER WALDMANN , DE L' ESTEREL, (FR) | Issue Date of Patent: | - |

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| Title of Invention: | MAMMAL NEURONAL ACID SENSING CATIONIC CHANNEL, CLONING AND APPLICATIONS THEREOF. |
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Close Window

09/129,758 MAMMAL NEURONAL ACID SENSING CATIONIC CHANNEL, CLONING AND APPLICATIONS THEREOF. 328255US0PCT 10-21-2011::14:44:32

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click PDF.

Bibliographic Data

| Mail Room Date | Document Code | Document Description | Document Category | Page Count |
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| 08-23-2011 | M327 | Miscellaneous Communication to Applicant - No Action Count | PROSECUTION | 1 |
| 08-23-2011 | ABN | Abandonment | PROSECUTION | 1 |
| 08-23-2011 | OA.EMAIL | Email Notification | PROSECUTION | 1 |
| 08-03-2011 | OA.EMAIL | Email Notification | PROSECUTION | 1 |
| 07-29-2011 | PET.DEC.OIPE | Petition decision routed to the OIPE to act on the decision or continue prosecution. | PROSECUTION | 1 |
| 05-20-2011 | PET.OP | Petition for review by the Office of Petitions. | PROSECUTION | 4 |
| 05-20-2011 | OATH | Oath or Declaration filed | PROSECUTION | 25 |
| 05-20-2011 | N417 | EFS Acknowledgment Receipt | PROSECUTION | 2 |
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| 09-15-2010 | OATH | Oath or Declaration filed | PROSECUTION | 25 |
| 09-15-2010 | N417 | EFS Acknowledgment Receipt | PROSECUTION | 2 |
| 07-22-2010 | OA.EMAIL | Email Notification | PROSECUTION | 1 |
| 07-15-2010 | PET.DEC.OIPE | Petition decision routed to the OIPE to act on the decision or continue prosecution. | PROSECUTION | 4 |
| 07-07-2010 | TRAN.LET | Transmittal Letter | PROSECUTION | 1 |
| 07-07-2010 | OATH | Oath or Declaration filed | PROSECUTION | 24 |
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| 04-09-2010 | WFEE | Fee Worksheet (SB06) | PROSECUTION | 2 |
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| 06-25-2009 | NPL | Non Patent Literature | PRIOR ART | 7 |
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| 03-25-2009 | NPL | Non Patent Literature | PRIOR ART | 3 |
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| 03-25-2009 | NPL | Non Patent Literature | PRIOR ART | 6 |
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| 03-25-2009 | ARTIFACT | Artifact sheet indicating an item has been filed which cannot be scanned | PROSECUTION | 1 |
| 12-26-2008 | CTNF | Non-Final Rejection | PROSECUTION | 9 |
| 12-26-2008 | SRNT | Examiner's search strategy and results | PROSECUTION | 1 |
| 12-26-2008 | FWCLM | Index of Claims | PROSECUTION | 1 |
| 12-26-2008 | SRFW | Search information including classification, databases and other search related notes | PROSECUTION | 1 |
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| 12-03-2007 | AF/D | Rule 130, 131 or 132 Affidavits | PROSECUTION | 23 |
| 11-16-2007 | WFEE | Fee Worksheet (SB06) | PROSECUTION | 2 |
| 11-16-2007 | N417 | EFS Acknowledgment Receipt | PROSECUTION | 3 |
| 11-16-2007 | RCEX | Request for Continued Examination (RCE) | PROSECUTION | 1 |
| 11-16-2007 | XT/ | Extension of Time | PROSECUTION | 1 |
| 11-16-2007 | AMSB | Amendment Submitted/Entered with Filing of CPA/RCE | PROSECUTION | 1 |
| 11-16-2007 | REM | Applicant Arguments/Remarks Made in an Amendment | PROSECUTION | 3 |
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| 11-16-2007 | AF/D | Rule 130, 131 or 132 Affidavits | PROSECUTION | 3 |
| 11-16-2007 | AF/D | Rule 130, 131 or 132 Affidavits | PROSECUTION | 8 |
| 11-16-2007 | ANE.I | Amendment After Final or under 37CFR 1.312, initialed by the examiner. | PROSECUTION | 1 |
| 11-16-2007 | WFEE | Fee Worksheet (SB06) | PROSECUTION | 1 |
| 06-13-2007 | ANE.I | Amendment After Final or under 37CFR 1.312, initialed by the examiner. | PROSECUTION | 1 |
| 06-13-2007 | FWCLM | Index of Claims | PROSECUTION | 1 |
| 06-13-2007 | CTAV | Advisory Action (PTOL-303) | PROSECUTION | 3 |
| 06-13-2007 | ANE.I | Amendment After Final or under 37CFR 1.312, initialed by the examiner. | PROSECUTION | 1 |
| 06-13-2007 | CLM | Claims | PROSECUTION | 1 |
| 05-31-2007 | LET. | Miscellaneous Incoming Letter | PROSECUTION | 1 |
| 05-31-2007 | 136A | Authorization for Extension of Time all | PROSECUTION | 1 |

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| 05-02-2007 | REM | Applicant Arguments/Remarks Made in an Amendment | PROSECUTION | 10 |
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| 05-02-2007 | WFEE | Fee Worksheet (SB06) | PROSECUTION | 1 |
| 11-29-2006 | CTFR | Final Rejection | PROSECUTION | 13 |
| 11-29-2006 | FWCLM | Index of Claims | PROSECUTION | 1 |
| | | Search information including classification, databases and other search related notes | | |
| 11-29-2006 | SRFW | | PROSECUTION | 1 |
| 11-22-2006 | SRNT | Examiner's search strategy and results | PROSECUTION | 1 |
| 08-24-2006 | A... | Amendment/Req. Reconsideration-After Non-Final Reject | PROSECUTION | 1 |
| 08-24-2006 | CLM | Claims | PROSECUTION | 3 |
| 08-24-2006 | REM | Applicant Arguments/Remarks Made in an Amendment | PROSECUTION | 7 |
| 08-24-2006 | XT/ | Extension of Time | PROSECUTION | 1 |
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| 02-22-2006 | CTNF | Non-Final Rejection | PROSECUTION | 25 |
| 02-22-2006 | FWCLM | Index of Claims | PROSECUTION | 1 |
| | | Search information including classification, databases and other search related notes | | |
| 02-22-2006 | SRFW | | PROSECUTION | 1 |
| 02-21-2006 | SRNT | Examiner's search strategy and results | PROSECUTION | 3 |
| 12-07-2005 | AMSB | Amendment Submitted/Entered with Filing of CPA/RCE | PROSECUTION | 1 |
| 12-07-2005 | CLM | Claims | PROSECUTION | 3 |
| 12-07-2005 | REM | Applicant Arguments/Remarks Made in an Amendment | PROSECUTION | 39 |
| 12-07-2005 | RCEX | Request for Continued Examination (RCE) | PROSECUTION | 1 |
| 12-07-2005 | LET. | Miscellaneous Incoming Letter | PROSECUTION | 3 |
| 10-11-2005 | N/AP | Notice of Appeal Filed | PROSECUTION | 1 |
| 10-11-2005 | LET. | Miscellaneous Incoming Letter | PROSECUTION | 1 |
| 10-11-2005 | XT/ | Extension of Time | PROSECUTION | 1 |
| 04-06-2005 | CTNF | Non-Final Rejection | PROSECUTION | 22 |
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| | | Search information including classification, databases and other search related notes | | |
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| 04-04-2005 | SRNT | Examiner's search strategy and results | PROSECUTION | 1 |
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| 03-14-2005 | CLM | Claims | PROSECUTION | 3 |
| 03-14-2005 | REM | Applicant Arguments/Remarks Made in an Amendment | PROSECUTION | 74 |
| 03-14-2005 | LET. | Miscellaneous Incoming Letter | PROSECUTION | 3 |
| 03-14-2005 | XT/ | Extension of Time | PROSECUTION | 1 |
| 09-08-2004 | CTFR | Final Rejection | PROSECUTION | 15 |
| 09-08-2004 | FWCLM | Index of Claims | PROSECUTION | 1 |
| | | Search information including classification, databases and other search related notes | | |
| 09-08-2004 | SRFW | | PROSECUTION | 1 |
| 09-08-2004 | BIB | Bibliographic Data Sheet | PROSECUTION | 2 |
| 09-02-2004 | SRNT | Examiner's search strategy and results | PROSECUTION | 1 |
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| 05-19-2004 | NPL | Non Patent Literature | PRIOR ART | 3 |
| 05-19-2004 | NPL | Non Patent Literature | PRIOR ART | 1 |
| 05-19-2004 | NPL | Non Patent Literature | PRIOR ART | 2 |
| 05-19-2004 | NPL | Non Patent Literature | PRIOR ART | 1 |
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| 05-19-2004 | NPL | Non Patent Literature | PRIOR ART | 2 |
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| 11-17-2003 | 892 | List of references cited by examiner | PRIOR ART | 1 |
| 11-15-2003 | SRNT | Examiner's search strategy and results | PROSECUTION | 2 |
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| 10-24-2003 | PETDEC | Petition Decision | PROSECUTION | 1 |
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| 08-13-2003 | CLM | Claims | PROSECUTION | 4 |
| 08-13-2003 | SPEC | Specification | PROSECUTION | 1 |
| 08-13-2003 | REM | Applicant Arguments/Remarks Made in an Amendment | PROSECUTION | 7 |
| 08-13-2003 | DRW | Drawings-only black and white line drawings | PROSECUTION | 9 |
| 08-13-2003 | XT/ | Extension of Time | PROSECUTION | 1 |
| 08-13-2003 | LET. | Miscellaneous Incoming Letter | PROSECUTION | 3 |
| 02-11-2003 | CTFR | Final Rejection | PROSECUTION | 24 |
| 02-11-2003 | NFDR | Notice of Formal Drawings Required | PROSECUTION | 1 |
| 02-09-2003 | SRNT | Examiner's search strategy and results | PROSECUTION | 1 |
| 12-05-2002 | FRPR | Certified Copy of Foreign Priority Application | PROSECUTION | 76 |
| 12-05-2002 | FRPR | Certified Copy of Foreign Priority Application | PROSECUTION | 60 |
| 12-05-2002 | LET. | Miscellaneous Incoming Letter | PROSECUTION | 1 |
| 11-18-2002 | CFILE | Request for Corrected Filing Receipt | PROSECUTION | 3 |
| 11-12-2002 | A... | Amendment/Req. Reconsideration-After Non-Final Reject | PROSECUTION | 1 |
| 11-12-2002 | REM | Applicant Arguments/Remarks Made in an Amendment | PROSECUTION | 38 |
| 11-12-2002 | SPEC | Specification | PROSECUTION | 26 |
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| 05-07-2002 | CTNF | Non-Final Rejection | PROSECUTION | 22 |
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| 01-22-2002 | A... | Amendment/Req. Reconsideration-After Non-Final Reject | PROSECUTION | 1 |
| 01-22-2002 | SPEC | Specification | PROSECUTION | 3 |
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| 01-22-2002 | REM | Applicant Arguments/Remarks Made in an Amendment | PROSECUTION | 16 |

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| 01-22-2002 | SEQLIST | Sequence Listing | PROSECUTION | 34 |
| 01-22-2002 | LET. | Miscellaneous Incoming Letter | PROSECUTION | 5 |
| 10-02-2001 | CTMS | Miscellaneous Action with SSP | PROSECUTION | 3 |
| 09-14-2001 | SRNT | Examiner's search strategy and results | PROSECUTION | 1 |
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| 05-11-2001 | CTRS | Requirement for Restriction/Election | PROSECUTION | 7 |
| 12-19-2000 | CTMS | Miscellaneous Action with SSP | PROSECUTION | 1 |
| 10-03-2000 | EXIN | Examiner Interview Summary Record (PTOL - 413) | PROSECUTION | 3 |
| 09-27-2000 | A... | Amendment/Req. Reconsideration-After Non-Final Reject | PROSECUTION | 1 |
| 09-27-2000 | CLM | Claims | PROSECUTION | 4 |
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| 08-17-2000 | A... | Amendment/Req. Reconsideration-After Non-Final Reject | PROSECUTION | 1 |
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| 03-25-1999 | LET. | Miscellaneous Incoming Letter | PROSECUTION | 2 |
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| 02-01-1999 | SPEC | Specification | PROSECUTION | 26 |
| 02-01-1999 | CLM | Claims | PROSECUTION | 5 |
| 02-01-1999 | ABST | Abstract | PROSECUTION | 1 |
| 08-31-1998 | PEFN | Pre-Exam Formalities Notice | PROSECUTION | 1 |
| 08-28-1998 | CTMS | Miscellaneous Action with SSP | PROSECUTION | 1 |
| 08-05-1998 | LET. | Miscellaneous Incoming Letter | AS FILED | 2 |
| 08-05-1998 | SPECNO | Specification - Not in English | AS FILED | 23 |
| 08-05-1998 | SEQLIST | Sequence Listing | AS FILED | 20 |
| 08-05-1998 | CLM | Claims | AS FILED | 3 |
| 08-05-1998 | ABST | Abstract | AS FILED | 3 |
| 08-05-1998 | DRW | Drawings-only black and white line drawings | AS FILED | 9 |
| 08-05-1998 | OATH | Oath or Declaration filed | AS FILED | 2 |
| 08-05-1998 | IIFW | Issue Information including classification, examiner, name, claim, renumbering, etc. | PROSECUTION | 1 |
| 08-05-1998 | SRFW | Search information including classification, databases and other search related notes | PROSECUTION | 1 |

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| 08-05-1998 | FWCLM | Index of Claims | PROSECUTION | 1 |
| 08-05-1998 | TRNA | Transmittal of New Application | PROSECUTION | 2 |
| 08-05-1998 | DRW | Drawings-only black and white line drawings | PROSECUTION | 9 |
| 08-05-1998 | SPECNO | Specification - Not in English | PROSECUTION | 49 |
| 08-05-1998 | OATH | Oath or Declaration filed | PROSECUTION | 2 |
| 08-05-1998 | WFEE | Fee Worksheet (SB06) | PROSECUTION | 2 |
| 08-05-1998 | WFEE | Fee Worksheet (SB06) | PROSECUTION | 1 |
| 08-05-1998 | LET. | Miscellaneous Incoming Letter | PROSECUTION | 2 |
| 08-05-1998 | P.PAMPHLET | WIPO Publication - Non-English version | PROSECUTION | 65 |

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Electronic Acknowledgement Receipt

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|---------------------------------------------|----------------------------------------------------------------------------------|
| EFS ID: | 7384277 |
| Application Number: | 09129758 |
| International Application Number: | |
| Confirmation Number: | 5113 |
| Title of Invention: | MAMMAL NEURONAL ACID SENSING CATIONIC CHANNEL, CLONING AND APPLICATIONS THEREOF. |
| First Named Inventor/Applicant Name: | RAINER WALDMANN |
| Customer Number: | 22850 |
| Filer: | Marvin Jay Spivak/Kathy Mankin |
| Filer Authorized By: | Marvin Jay Spivak |
| Attorney Docket Number: | 328255US0PCT |
| Receipt Date: | 09-APR-2010 |
| Filing Date: | 05-AUG-1998 |
| Time Stamp: | 12:53:21 |
| Application Type: | U.S. National Stage under 35 USC 371 |

Payment information:

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|------------------------------------------|-------------|
| Submitted with Payment | yes |
| Payment Type | Credit Card |
| Payment was successfully received in RAM | \$ 1620 |
| RAM confirmation Number | 11523 |
| Deposit Account | |
| Authorized User | |

File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
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| 1 | Petition to make Special under PCT- Patent Pros Hwy | 328255USPetition.PDF | 586692 62a391c6086b993820bf66fe5e4928e5d6ff59cd | no | 11 |
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| Information: | | | | | |
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| Warnings: | | | | | |
| Information: | | | | | |
| Total Files Size (in bytes): | | | 617323 | | |
| <p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p> | | | | | |

DOCKET NO: 328255US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
RAINER WALDMANN, ET AL : EXAMINER: BASI
SERIAL NO: 09/129,758 :
FILED: AUGUST 5, 1998 : GROUP ART UNIT: 1646
FOR: MAMMAL NEURONAL ACI :
SENSING CATIONIC CHANNEL,
CLONING AND APPLICATIONS
THEREOF

37 CFR 1.137(b) PETITION TO REVIVE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

On April 9, 2010, the undersigned received a telephone call from Mr. Boris Miles of the USPTO PCT Legal Office. During this conversation, the undersigned was advised that the above-identified application was filed on August 5, 1998 as a National Stage application of PCT/FR98/00270 which was filed February 11, 1998. The filing on August 5, 1998 was not accompanied by the requisite basic statutory fees.

On August 28, 1998, the USPTO mailed a Notice to file Missing Parts including, amongst other requirements, the payment of the basic filing fee (attached).

On February 1, 1999, a reply to this Notice was filed including, amongst other papers, a check to pay the basic statutory basic filing fee, the additional claim fees, the surcharge, payment for the statutory assignment filing fee, and the fee for a three months extension of time (see attached).

Since that time, the USPTO and the Applicants through different attorneys-of-record have been engaged in prosecution seeking allowable subject matter.

In the April 8, 2010 discussion, Mr. Miles of the USPTO PCT Legal Office informed the undersigned that the rules in effect at that time, and in particular 37 C.F.R. 1.494, required that the payment of the basic statutory fees must be filed within a prescribed period of time and that time expired on October 11, 1998. Therefore, Mr. Miles informed the undersigned that the application has been effectively abandoned since the October 11, 1998 date as the fees were not paid in time.

While the undersigned attorney-of-record was not the attorney at that time, in light of the fact that all parties involved were under the belief that the file was in order, the required fees were paid, and prosecution of the claims commenced and that the undersigned has confirmed with the Applicants that there never was an intention to abandon this application, Applicants request revival of the above-identified application on the basis that the abandonment was unintentional. Although the date in question was some time ago, as the abandoned status was just made aware to the Applicants on April 8, 2010, the entire delay in filing of this a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

The requisite fee for processing this petition as set forth in §1.17(m) is attached. Any further fees necessary to process this request may be charged to the deposit account associated with the Customer Number noted below.

Application No. 09/129,758
37 CFR 1.137(B) Petition to Revive

In view of the foregoing, Applicants request grant of this petition and this application should be returned to active status without delay.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Daniel J. Pereira, Ph.D.
Attorney of Record
Registration No. 45,518

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

1382171_1.DOC

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|---------------------------------------------|----------------------------------------------------------------------------------|
| EFS ID: | 7967818 |
| Application Number: | 09129758 |
| International Application Number: | |
| Confirmation Number: | 5113 |
| Title of Invention: | MAMMAL NEURONAL ACID SENSING CATIONIC CHANNEL, CLONING AND APPLICATIONS THEREOF. |
| First Named Inventor/Applicant Name: | RAINER WALDMANN |
| Customer Number: | 22850 |
| Filer: | Marvin Jay Spivak/Kathy Mankin |
| Filer Authorized By: | Marvin Jay Spivak |
| Attorney Docket Number: | 328255US0PCT |
| Receipt Date: | 07-JUL-2010 |
| Filing Date: | 05-AUG-1998 |
| Time Stamp: | 15:24:00 |
| Application Type: | U.S. National Stage under 35 USC 371 |

Payment information:

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| Submitted with Payment | no |
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File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
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| | Oath or Declaration filed | 2 | 25 |

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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



15 JUL 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OBLON, SPIVAK, MCCLELLAND MAIER
& NEUSTADT, L.L.P.
1940 Duke Street
Alexandria, VA 22314

| | | |
|-------------------------------------|---|---------------------------|
| In re Application of: | : | |
| WALDMANN et al | : | DECISION ON PETITION |
| Application No.: 09/129,758 | : | UNDER 37 CFR 1.137(b) AND |
| PCT No.: PCT/FR98/00270 | : | PAPERS UNDER 37 CFR 1.42 |
| Int. Filing Date: 11 Feb 1998 | : | |
| Priority Date: 11 Feb 1997 | : | |
| Attorney's Docket No.: 328255US0PCT | : | |
| For: MAMMAL NEURONAL ACI | : | |
| SENSING CATIONIC CHANNEL, CLONING | : | |
| AND APPLICATIONS THEREOF | : | |

This is in response to the "37 CFR 1.137(b) Petition to Revive" filed 09 April 2010, and the submission filed 07 July 2010, which has been treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 11 February 1998, applicants filed international application no. PCT/FR98/00270 designating the United States and having a priority date of 11 February 1997. There is no record of a Demand for international preliminary examination being filed within 19 months from the priority date. Accordingly, the 20-month deadline under former 37 CFR 1.494 to pay the basic national fee to avoid abandonment expired at midnight of 12 October 1998 (11 October 1998 fell on a Sunday).

On 05 August 1998, applicants filed, *inter alia*, a transmittal letter, a non-English copy of PCT application no. PCT/FR98/00270, a declaration (unexecuted), and a communication entitled "Request for the Acceptance of Non-English Application Under 37 CFR 1.52(d)". The submission was accompanied by payment of \$130 for the fee required under §1.52(d) and did not include deposit account authorization to charge any outstanding fees.

On 31 August 1998, a "Notice to File Missing Parts-Filing Date Granted" was mailed to applicants indicating a deficiency in the basic filing fee.

On 01 February 1999, applicants filed a response to the 31 August 1998 Notice including payment of the required fees and an executed declaration. Shortly thereafter, on 02 March 1999, an official Filing Receipt was mailed to applicants identifying the present application as a U.S.

national stage application of PCT/FR98/00270. See "Transmittal of Errors in Filing Receipt" filed by applicants on 25 March 1999.

On 09 April 2010, applicants filed the petition under 37 CFR 1.137(b) considered herein.

On 07 July 2010, applicants filed declarations executed by, *inter alia*, legal representatives of a deceased inventor. The submission has been treated as a request for status under 37 CFR 1.42.

DISCUSSION

I. Petition Under 37 CFR 1.137(b)

As indicated above, the present application was initially identified by the Office as a U.S. national stage application under 35 U.S.C. 371, and this indication has remained throughout the subsequent eleven years of prosecution.¹ However, the application was never formally processed as a national stage application. For example, a "Notification of Acceptance Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) was never issued. While applicants' initial submission of 05 August 1998 does not include the typical documents associated with a U.S. national phase submission (e.g., a Form PTO-1390 or similar transmittal letter indicating a submission under 35 U.S.C. 371, or a declaration executing the international application), the "Request for the Acceptance of Non-English Application Under 37 CFR 1.52(d)" does evidence an intent to enter the U.S. national phase under 35 U.S.C. 371.² Accordingly, the initial Office indication that the present application is a U.S. national phase application under 35 U.S.C. 371 of PCT/FR98/00270 is appropriate.

Pursuant to former 37 CFR 1.494, which is applicable to international application PCT/FR98/00270, the international application became abandoned as to the United States for failure to timely pay the full U.S. basic national fee required under 35 U.S.C. 371(c)(1) prior to the expiration of 20 months from the priority date. The Notice mailed to applicants on 31 August 1998 was in error.

Pursuant to 37 CFR 1.137(b), a petition to revive the present application based upon unintentional abandonment must include: (1) the proper reply, unless previously filed; (2) the petition fee under 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional; and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

With respect to item (1), the U.S. basic national fee has been paid.

¹ See, e.g., Office Action dated 30 September 1999 restricting inventions based on lack of unity under PCT Rule 13, and Request for Corrected Filing Receipt dated 18 November 2002.

² The Request states: "To secure the effective PCT and French priority dates, it is necessary that this application be filed on August 5, 1998, to enter the United States national phase." (Emphasis added). The submission under 37 CFR 1.52(d) was unnecessary, as the requirement for an English translation of an international application entering the U.S. national phase is governed by 35 U.S.C. 371 and 37 CFR 1.494 or 1.495.

With respect to item (2), the petition fee has been paid.

With respect to item (3), the petition includes the required statement of unintentional delay.

With respect to item (4), a terminal disclaimer and fee are not required.

II. Request for Status Under 37 CFR 1.42

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent. See 37 CFR 1.42. Such oath or declaration must satisfy the requirements of 37 CFR 1.497(b)(2), which provides:

(2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative.

The original declaration filed 01 February 1999 identifies a deceased inventor (Guy Champigny) but fails to comply with 37 CFR 1.497(b)(2), as it fails to state the relationship of the persons to the inventor and fails to include the residence, citizenship and mailing addresses of such persons. In addition, while three such persons are indicated, only one signature appears. Furthermore, the declaration contains non-initialed/non-dated alterations (e.g., name of third inventor "Lingueglia" has been altered). For these reasons, the declaration filed 01 February 1999 cannot be accepted.

Applicants filed new declarations on 07 July 2010. However, these declarations also fail to comply with the provisions of 37 CFR 1.497(b)(2), as the mailing address and citizenship of the legal representatives have not been provided. In addition, the declaration fails to include the citizenship of the deceased inventor, as required under 37 CFR 1.497(a). Finally, the submission does not include complete copies of each declaration executed by the inventors and legal representatives. For these reasons, the declarations filed 07 July 2010 cannot be accepted.

CONCLUSION

For the above reasons, the petition under 37 CFR 1.137(b) to revive international application PCT/FR98/00270 as to the United States is **GRANTED**.

The request for status under 37 CFR 1.42 is **DISMISSED**.

Applicants have **TWO (2) MONTHS** from the mail date of this decision to file an oath or declaration in compliance with 37 CFR 1.497. Failure to timely file the proper reply will result in **ABANDONMENT** of the application. Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-3288
Facsimile: (571) 273-0459

Electronic Acknowledgement Receipt

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|---------------------------------------------|----------------------------------------------------------------------------------|
| EFS ID: | 8422688 |
| Application Number: | 09129758 |
| International Application Number: | |
| Confirmation Number: | 5113 |
| Title of Invention: | MAMMAL NEURONAL ACID SENSING CATIONIC CHANNEL, CLONING AND APPLICATIONS THEREOF. |
| First Named Inventor/Applicant Name: | RAINER WALDMANN |
| Customer Number: | 22850 |
| Filer: | Marvin Jay Spivak/Kathy Mankin |
| Filer Authorized By: | Marvin Jay Spivak |
| Attorney Docket Number: | 328255US0PCT |
| Receipt Date: | 15-SEP-2010 |
| Filing Date: | |
| Time Stamp: | 13:30:49 |
| Application Type: | U.S. National Stage under 35 USC 371 |

Payment information:

| Submitted with Payment | | no | | | |
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| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
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| | Document Description | Start | End |
| | Miscellaneous Incoming Letter | 1 | 1 |
| | Oath or Declaration filed | 2 | 26 |

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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



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& NEUSTADT, LLP
1940 Duke Street
Alexandria, VA 22314

MAILED

APR 20 2011

PCT LEGAL ADMINISTRATION

In re Application of :
WALDMANN et al :
Application No: 09/129,758 :
PCT No.: PCT/FR98/00270 :
Int. Filing Date: 11 Feb 1998 :
Priority Date: 11 Feb 1997 :
Attorney's Docket No.: 328255US0PCT :
For: MAMMAL NEURONAL ACI SENSING :
CATIONIC CHANNEL, CLOSING AND :
APPLICATIONS THEREON :

DECISION ON PAPERS

UNDER 37 CFR 1.42

This decision is in response to the submission filed 15 September 2010, which is being treated as a renewed request for status under 37 CFR 1.42.

BACKGROUND

In a decision mailed 15 July 2010, applicants' petition to revive the present application under 37 CFR 1.137(b) was granted and the request for status under 37 CFR 1.42 was dismissed. The decision set a two-month time period to furnish an oath or declaration in compliance with 37 CFR 1.497. The decision noted that declarations filed 07 July 2010 failed to comply with 37 CFR 1.497 because they failed to identify the mailing address and citizenship of the legal representatives and the citizenship of the deceased inventor, and did not include complete copies of the executed declarations.

On 15 September 2010, applicants filed declarations considered herein.

DISCUSSION

Foreign language declarations

37 CFR 1.69(b), provides:

(b) Unless the text of any oath or declaration in a language other than English is in a form provided by the Patent and Trademark Office or in accordance with PCT Rule 4.17(iv), it must be accompanied by an English translation together with a statement that the translation is accurate, except that in the case of an oath or declaration filed under § 1.63, the translation may be filed in the Office no later than two months from the date applicant is notified to file the translation

In the present case, the declarations are in a language other than English and are not in a form provided by the Office. Accordingly, the declarations cannot be accepted absent a statement that the English translation is accurate.

Status under 37 CFR 1.42

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent. See 37 CFR 1.42. Such oath or declaration must satisfy the requirements of 37 CFR 1.497(b)(2), which provides:

(2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative.

In response to the decision mailed 15 July 2010, applicants appear to have amended the previously executed declarations filed 07 July 2010 to include the "mailing address" of the legal representatives, and an indication that the legal representatives and deceased inventor are "French". It is improper to amend a previously executed declaration. See MPEP §605.04(a), which states, in pertinent part:

In summary, it is emphasized that the application filed must be the application executed by the applicant and it is improper for anyone, including counsel, to alter, rewrite, or partly fill in any part of the application, including the oath or declaration, after execution of the oath or declaration by the applicant. This provision should particularly be brought to the attention of foreign applicants by their United States counsel since the United States law and practice in this area may differ from that in other countries.

Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration.

See also MPEP §602.01:

*The wording of an oath or declaration cannot be amended, altered or changed in any manner after it has been signed. ****

It is also not clear that the indication "French" refers to citizenship, as opposed to another indication, e.g., residency. Identification of citizenship is a statutory requirement. See 35 U.S.C. 115. Further, it is noted that while three "legal representatives" have executed the declaration, only one initialed the citizenship of the deceased inventor. If the basis for the legal

representatives executing the declaration on behalf of the deceased inventor is that they are the sole heirs, and an executor or administrator has not been appointed, then all heirs must attest to the citizenship.

CONCLUSION

For reasons above, the request for status under 37 CFR 1.42 is **DISMISSED**, without prejudice.

Applicants have **ONE (1) MONTH** from the mail date of this decision to file an oath or declaration in compliance with 37 CFR 1.497(a)-(b) overcoming the above-noted defects. Failure to timely file the proper reply will result in **ABANDONMENT** of the application. Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Boris Milef/

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration
(571) 272-3288

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|---------------------------------------------|----------------------------------------------------------------------------------|
| EFS ID: | 10134664 |
| Application Number: | 09129758 |
| International Application Number: | |
| Confirmation Number: | 5113 |
| Title of Invention: | MAMMAL NEURONAL ACID SENSING CATIONIC CHANNEL, CLONING AND APPLICATIONS THEREOF. |
| First Named Inventor/Applicant Name: | RAINER WALDMANN |
| Customer Number: | 22850 |
| Filer: | Marvin Jay Spivak/Kathy Mankin |
| Filer Authorized By: | Marvin Jay Spivak |
| Attorney Docket Number: | 328255US0PCT |
| Receipt Date: | 20-MAY-2011 |
| Filing Date: | |
| Time Stamp: | 12:28:08 |
| Application Type: | U.S. National Stage under 35 USC 371 |

Payment information:

| Submitted with Payment | no | | | | |
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| | Multipart Description/PDF files in .zip description | | |
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| | Petition for review by the Office of Petitions. | 2 | 5 |
| | Oath or Declaration filed | 6 | 30 |

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| Total Files Size (in bytes): | 1731767 |
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

DOCKET NO: 328255US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
RAINER WALDMANN, ET AL : EXAMINER: BASI
SERIAL NO: 09/129,758 :
FILED: AUGUST 5, 1998 : GROUP ART UNIT: 1646
FOR: MAMMAL NEURONAL ACI :
SENSING CATIONIC CHANNEL,
CLONING AND APPLICATIONS
THEREOF

RENEWED PETITION FOR STATUS UNDER 37 CFR 1.42

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Decision mailed April 20, 2011, Applicants again request that the Declaration filed on September 15, 2010 be accepted and the application afforded status under 37 CFR 1.42.

As outlined in the Decision mailed April 20, 2011, on April 14, 2010 the undersigned and Mr. Milef of the PCT Legal Office had a telephone discussion wherein MR. Milef indicated that the USPTO objects to the inventor Declaration filed on Feb 1, 1999 for lack of following the appropriate rules for filing a Declaration with a deceased inventor.

Applicants filed a new Declaration on July 7, 2010 but that was determined by the USPTO to be insufficient so another Declaration was filed on September 15, 2010. The Decision of April 20, 2011 objects to that Declaration because:

- (A) The Declaration contains language other than English;
- (B) The changes of the legal representatives were improperly done; and
- (C) The residency of the legal representatives is alleged to be unclear.

Regarding (A), the Declaration does contain French in the first column with the corresponding text in English provided in the second column. This is a form that is widely used by the attorneys of record and has been accepted in thousands of patent applications filed in the USPTO. In any case, a certification is attached to this renewed petition that the Declaration form that was sent to the inventors including both English and French is true and accurate translation from French to English.

Regarding (B), there are six inventors listed on the Declaration, each of those inventors and the legal representatives signed those Declarations separately and then collated together to get all of those people in one filing. See MPEP 605.04(a):

An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. >Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration (by combining the signature pages).<

The inventors other than the deceased inventor Guy Champigny signed the Declaration separately and then the legal representatives signed a separate page in September 2010. This is appropriate under the USPTO procedures. The alterations that those legal representatives made to the single page of the Declaration that they signed are initialed and dated. Further, any changes that are not deemed to have been initialed and dated are made adjacent to the inventor's signature and were made at that particular time, i.e., contemporaneous change and signature. Therefore, the alteration was accompanied by the appropriate signature and date as required when the document was changed.

Regarding (C) and the indication of French, it is clear that French means their citizenship as their residence is separately indicated by their respective addresses as opposed

Application No. 09/129,758
37 CFR 1.137(B) Petition to Revive

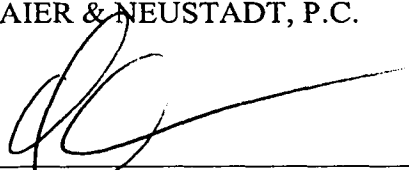
to the term "France" which is a geographical indication of a place, i.e., residency. That is clear from the Declaration.

In view of the foregoing, Applicants request grant of this petition, the status under 37 CFR 1.42.

Should further questions remain, the officer in charge of reviewing this petition is requested to contact the undersigned to resolve the matter expediently.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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CERTIFICATION

This is to certify that the following is, to the best of our
knowledge and belief, a true and accurate translation into
FRENCH of the attached document(s) relating to:

DECLARATION FOR PATENT APPLICATION

written in ENGLISH

It is true
NEWTYCE COMMUNICATIONS, INC.

Sworn to and subscribed before me
this 2nd day of June, 2005

Marjorie Jimenez
NOTARY PUBLIC

MARJORIE JIMENEZ
Notary Public, State of New York
Qualified in Queens County
No. 01JI6027417
Commission Expires July 6, 2007



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OBLON, SPIVAK, MCCLELLAND, MAIER
& NEUSTADT, LLP
1940 Duke Street
Alexandria, VA 22314

MAILED

JUL 29 2011

PCT LEGAL ADMINISTRATION

In re Application of
WALDMANN et al
Application No: 09/129,758
PCT No.: PCT/FR98/00270
Int. Filing Date: 11 Feb 1998
Priority Date: 11 Feb 1997
Attorney's Docket No.: 328255US0PCT
For: MAMMAL NEURONAL ACI SENSING
CATIONIC CHANNEL, CLOSING AND
APPLICATIONS THEREON

:
:
: DECISION ON PAPERS
:
: UNDER 37 CFR 1.42
:
:
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This decision is in response to the "Renewed Petition for Status Under 37 CFR 1.42" filed 20 May 2011.

In a decision mailed 20 April 2011, applicants' request for status under 37 CFR 1.42 was dismissed for the following reasons: applicants failed to comply with the provisions of 37 CFR 1.69(b) for accepting foreign language declarations; uncertainty regarding the inclusion of citizenship of the legal representatives and deceased inventor; and the declarations were amended after execution.

In response, applicants submitted a statement of translation accuracy in compliance with 37 CFR 1.69(b); resolved the uncertainty regarding citizenship; and confirmed the re-execution of the declarations by the legal representatives.

Accordingly, the request for status under 37 CFR 1.42 is **GRANTED**.

This application is being forwarded to the Office of Patent Application Processing for mailing of a Notification of Acceptance Under 35 U.S.C. 371 indicating a §371(c)(1), (2) and (4) date of 15 September 2010.

/Boris Milef/

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration
(571) 272-3288



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|---------------------------------------------------------------------------------------------------------|-----------------------|-------------------------------------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/129,758 | RAINER WALDMANN | 328255US0PCT |
| 22850 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314 | | INTERNATIONAL APPLICATION NO. PCT/FR98/00270 |
| | | I.A. FILING DATE 02/11/1998 |
| | | PRIORITY DATE 02/11/1997 |

CONFIRMATION NO. 5113
371
ABANDONMENT/TERMINATION
LETTER



OC000000049446386

Date Mailed: 08/23/2011

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Per Decision dated 7-15-10

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

SHELBY J MILLER

Telephone: (571) 272-0384